



February 25, 2005

SENATE BILL No. 63

DIGEST OF SB 63 (Updated February 24, 2005 8:59 am - DI 110)

Citations Affected: IC 8-4.5.

Synopsis: Railroad corridors. Provides that the department of transportation has the right of first refusal to purchase a railroad's interest in a corridor that may be abandoned. Allows the department to (1) engage in negotiations with a railroad to acquire an interest in a corridor that may be abandoned; (2) acquire a corridor through eminent domain; and (3) acquire a corridor without approval from the transportation corridor planning board. Requires the department to: (1) meet with railroad owners concerning corridors that the owners may abandon; (2) in consultation with affected agencies, prepare a list of corridors for preservation; and (3) hold one public meeting in a county through which the corridor passes. (Current law requires the department to hold one public meeting in each county through which the corridor passes.)

Effective: July 1, 2005.

Landske

January 4, 2005, read first time and referred to Committee on Rules and Legislative Procedure.

February 17, 2005, amended; reassigned to Committee on Commerce and Transportation.

February 24, 2005, amended, reported favorably — Do Pass.

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SB 63—LS 6197/DI 13+



February 25, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 63

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-4.5-3-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. **(a)** The departments
3 annually shall do the following:

4 (1) Prepare a list of existing rights-of-way that might be
5 abandoned during the following year. The list shall be submitted
6 to the board for review.

7 (2) Set priorities for potential future uses of rights-of-way
8 consistent with the Indiana department of transportation's
9 comprehensive transportation plan and the department of natural
10 resources trail system plan.

11 **(3) Contact each railroad owner that holds an interest in a**
12 **corridor in Indiana to assess the status and any issues**
13 **concerning corridors that may be abandoned.**

14 **(b) The Indiana department of transportation annually, in**
15 **consultation with affected state and local agencies, shall prepare a**
16 **list of corridors for preservation.**

17 SECTION 2. IC 8-4.5-4-1 IS AMENDED TO READ AS

SB 63—LS 6197/DI 13+



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FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The Indiana department of transportation shall determine whether the state should acquire a railroad's interest in a corridor that is proposed to be abandoned. The department shall make its recommendations to the board regarding acquisition of a railroad's interest in any corridor.

(b) Acquisition of a railroad's interest in a corridor is subject to approval of the board.

(b) The Indiana department of transportation:

(1) has the right of first refusal to acquire a railroad's interest in a corridor that is proposed to be abandoned; and

(2) may engage in negotiations to acquire active and abandoned corridors.

(c) If the Indiana department of transportation and the railroad are unable to agree upon a price through negotiations under subsection (b)(2), the department may, if permitted under federal law, exercise the power of eminent domain in accordance with IC 32-24 to acquire the corridor.

SECTION 3. IC 8-4.5-4-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1.5. The board shall advise and assist the Indiana department of transportation in matters concerning the acquisition of a railroad's interest in a corridor under this chapter.

SECTION 4. IC 8-4.5-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The Indiana department of transportation shall hold at least one (1) public meeting in each a county through which the corridor passes before determining whether the state should acquire a railroad's interest in a corridor that is proposed to be abandoned. Notice of the meeting must be given in accordance with IC 5-14-1.5.

(b) In addition to the notice requirements of IC 5-14-1.5, the department shall give notice of a meeting under this section to the following:

(1) The county commissioners of each county through which the railroad's interest in the proposed abandoned corridor passes.

(2) The legislative body of each city or town:

(A) through which the railroad's interest in the corridor passes; or

(B) that is within one (1) mile of any part of the railroad's interest in the corridor.

(3) The railroad that proposes to abandon the railroad's interest in the corridor.

(4) The Indiana utility regulatory commission.

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1 Notice must be given to the persons described in subdivisions (1)
2 through (4) not later than the date notice is required to be published
3 under IC 5-14-1.5.

4 (c) The department may hold additional meetings before making a
5 determination under this chapter.

6 (d) The department shall hold a meeting under this section in each
7 county through which the railroad's interest in the corridor passes.

8 SECTION 5. IC 8-4.5-4-5 IS REPEALED [EFFECTIVE JULY 1,
9 2005].

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SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 63 and that Senator Landske be substituted therefor.

GARTON

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COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 63, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Commerce and Transportation.

(Reference is to SB 63 as introduced.)

GARTON, Chairperson

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COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill No. 63, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 11, delete "Meet with" and insert "**Contact**".

Page 2, line 15, after "may" insert ", **if permitted under federal law,**".

and when so amended that said bill do pass.

(Reference is to SB 63 as printed February 18, 2005.)

SERVER, Chairperson

Committee Vote: Yeas 9, Nays 1.

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